UNITED STATES DISTRICT COURT	
EASTERN DISTRICT OF NEW YORK	
	X
MITCHELL PASHKIN,	

Plaintiff,

- against -

AFFIDAVIT IN OPPOSITION TO PLAINTIFF'S APPLICATION

CASE NO. CV 05-5762

TOWN OF HUNTINGTON,	
·	Defendant.
	X
STATE OF NEW YORK)	
) ss:	
COUNTY OF SUFFOLK)	

THOMAS CAVANAGH, being duly sworn, disposes and says:

- 1. I am the Director of General Services in the Town of Huntington and have been since 1998.
- 2. General Services puts up and takes down as well as stores the crèche and menorah that are placed on the Village Green.
- 3. The crèche, menorah and other seasonal items are put up or taken down at approximately the same time. If it is not the same time, it is perhaps the next day. The tree lights may take longer due to replacement of lights.
- 4. It takes approximately two three hours for two Town employees to put up or take down the crèche and about one to two hours to put up and take down the menorah. This includes travel, transportation time and assembly at the site. The putting up or taking down of the "Peace on Earth" sign is done at the same time as the menorah and crèche are put up and taken down.

- 5. The Town employees who put up the crèche and take it down are Grade 13 Blue Collar workers who earn \$28.9809 per hour. It takes between 6 to 10 hours total for putting up and taking down the crèche and menorah. (Note: This time includes the "Peace on Earth" sign). Thus the total cost is between \$173.88 and \$289.89 for labor.
- 6. The items are stored from year to year on Town of Huntington property known as Timber Ridge, that is not used for any other purpose but storage. The crèche and menorah once broken down and stored, take up an area of approximately 8 ft. by 8 ft. or 64 sq. ft.
- 7. The Town was approached in 2004 regarding the rental value of parking spaces at the Town facility at 182 Pulaski Road. The fair market rental value in 2004 as appraised by Breslin Appraisal Co., Inc. was \$7,600 for 7000 sq. ft. (this was for 20 parking spaces). Using this as our calculation for value:

$$\frac{7,000 \text{ sq. ft}}{\$7,600}$$
 = .92 per sq. ft.
.92 x 64 sq. ft. = \\$58.94 in rent.

- 8. The Timber Ridge facility is not on a main road and is accessible only by an unpaved path
- 9. There is no additional cost for electricity since the crèche and menorah are connected to street lights for which the Town pays a flat set amount.
- 10. The Town also places seasonal lights on trees in East Northport, Cold Spring Harbor and Greenlawn at the request of the local Chambers of Commerce and civic groups.

	11.	Lights and/or wreaths are placed on light poles owned by the Town in Greenlawn,
		East Northport, Huntington Station and Cold Spring Harbor by local Chambers of
		Commerce and civic groups.
		agton, New York aber 13, 2005
		THOMAS R. CAVANAGH
Sworn	before	me this 13 day of December 2005.
		/S/
Notary	Public	